

MONTANA WATER COURT, YELLOWSTONE DIVISION
YELLOWSTONE RIVER ABOVE AND INCLUDING BRIDGER CREEK BASIN
BASIN 43B
PRELIMINARY DECREE

CLAIMANT: H W Burns Family, LLC

CASE 43B-1105-R-2021

OBJECTORS: H W Burns Family, LLC; United States of
America (Department of Agriculture Forest
Service)

| | |
|-------------|-------------|
| 43B 6986-00 | 43B 7002-00 |
| 43B 6987-00 | 43B 7016-00 |
| 43B 6992-00 | 43B 7019-00 |
| 43B 6993-00 | 43B 7020-00 |
| 43B 6997-00 | 43B 7021-00 |
| 43B 6998-00 | 43B 7025-00 |
| 43B 7001-00 | |

NOTICE OF INTENT TO APPEAR: Jon A. Grosfield;
Marilyn W. Grosfield

**ORDER AMENDING AND ADOPTING MASTER'S REPORT
AND
CORRECTING ABSTRACTS**

Pursuant to Montana Code Annotated, section 85-2-233(5), Case 43B-1105-R-2021 was assigned to Water Master Anika M. Stern. Water Master Stern filed a Report containing Findings of Fact and Conclusions of Law on April 3, 2023. On April 13, 2023, HW Burns Family, LLC (HW Burns) objected to the Master's Report requesting clarification of clerical errors in the Master's Report.

HW Burns noted that Finding of Fact No. 17. states:

On March 30, 2023, Marilyn Grosfield indicated all the Notices of Intent to Appear she filed are withdrawn.

Finding of Fact No. 17 should be amended to reflect that Marilyn Grosfield indicated all her Notices of Intent to Appear were withdrawn on March 20, 2023.

HW Burns indicated Finding of Fact No. 27 and the attached Post Decree Abstract for claim 43B 7020-00 failed to correct the legal land description for point of diversion

ID 6. Finding of Fact No. 27 should be amended to reflect point of diversion ID 6 is being changed from Range 13E to Range 14E. The Post Decree Abstract for claim 43B 7020-00 has now been amended.

Claims in this Case were decreed with supplemental rights remarks. HW Burns proposed changes to the supplemental rights remarks by way of proposed abstracts. Unfortunately, the changes proposed by HW Burns did not accurately convert to Post Decree Abstracts. HW Burns objected based on erroneous supplemental rights remarks (termed “overlapping place of use remarks” by HW Burns). However, the corrections proposed by HW Burns are inconsistent with the remarks proposed by HW Burns during proceedings in the Case. Furthermore, all supplemental rights remarks will be removed from water rights claims at final decree. Therefore, to avoid further confusion or inconsistency, rather than being further modified, the supplemental rights remarks are being removed from the claims in this Case now.

The Court has reviewed the Water Master's Findings and Conclusions. Pursuant to Rule 53(e), Montana Rules of Civil Procedure, the Court **ADOPTS** the Master's Report with the above-referenced amendments.

Corrected Post Decree Abstracts for claims in this Case are served with this Order to confirm that the Recommendations set forth in the Master's Report, as amended by this Order, have been adopted for the claims in this Case.

ELECTRONICALLY SIGNED AND DATED BELOW.

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Service List Updated: 4/17/2023

POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
YELLOWSTONE RIVER, ABOVE & INCLUDING BRIDGER CREEK
BASIN 43B

Water Right Number: 43B 6986-00 STATEMENT OF CLAIM

Version: 3 -- POST DECREE

Status: ACTIVE

Owners: H W BURNS FAMILY LLC
PO BOX 1510
BIG TIMBER, MT 59011 1510

Priority Date: DECEMBER 21, 1961

Type of Historical Right: USE

Purpose (use): STOCK

Flow Rate: A SPECIFIC FLOW RATE HAS NOT BEEN DECREED FOR THIS USE FROM THIS ONSTREAM RESERVOIR. THE FLOW RATE IS LIMITED TO THE MINIMUM AMOUNT HISTORICALLY NECESSARY TO SUSTAIN THIS PURPOSE.

Volume: THIS RIGHT INCLUDES THE AMOUNT OF WATER CONSUMPTIVELY USED FOR STOCK WATERING PURPOSES AT THE RATE OF 30 GALLONS PER DAY PER ANIMAL UNIT. ANIMAL UNITS SHALL BE BASED ON REASONABLE CARRYING CAPACITY AND HISTORICAL USE OF THE AREA SERVICED BY THIS WATER SOURCE.

Source Name: FEATHERBED CREEK

Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

| <u>ID</u> | <u>Govt Lot</u> | <u>Qtr Sec</u> | <u>Sec</u> | <u>Twp</u> | <u>Rge</u> | <u>County</u> |
|-----------|-----------------|----------------|------------|------------|------------|---------------|
| 1 | | W2NWSE | 1 | 1N | 13E | SWEET GRASS |

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: DAM

Reservoir: ONSTREAM

| <u>Govt Lot</u> | <u>Qtr Sec</u> | <u>Sec</u> | <u>Twp</u> | <u>Rge</u> | <u>County</u> |
|-----------------|----------------|------------|------------|------------|---------------|
| | W2NWSE | 1 | 1N | 13E | SWEET GRASS |

Diversion to Reservoir: DIVERSION # 1

Dam Height: 13.00 FEET

Depth: 10.00 FEET

Surface Area: 0.33 ACRES

Capacity: 1.32 ACRE-FEET

SEE THE RESERVOIR WORKSHEET IN THE CLAIM FILE FOR ADDITIONAL RESERVOIR DATA.

Period of Use: JANUARY 1 TO DECEMBER 31

Place of Use:

| <u>ID</u> | <u>Acres</u> | <u>Govt Lot</u> | <u>Qtr Sec</u> | <u>Sec</u> | <u>Twp</u> | <u>Rge</u> | <u>County</u> |
|-----------|--------------|-----------------|----------------|------------|------------|------------|---------------|
| 1 | | | | 1 | 1N | 13E | SWEET GRASS |

POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
YELLOWSTONE RIVER, ABOVE & INCLUDING BRIDGER CREEK
BASIN 43B

Water Right Number: 43B 6987-00 STATEMENT OF CLAIM

Version: 3 -- POST DECREE

Status: ACTIVE

Owners: H W BURNS FAMILY LLC
PO BOX 1510
BIG TIMBER, MT 59011 1510

Priority Date: DECEMBER 21, 1961

Type of Historical Right: USE

Purpose (use): STOCK

Flow Rate: 10.00 GPM

Volume: THIS RIGHT INCLUDES THE AMOUNT OF WATER CONSUMPTIVELY USED FOR STOCK WATERING PURPOSES AT THE RATE OF 30 GALLONS PER DAY PER ANIMAL UNIT. ANIMAL UNITS SHALL BE BASED ON REASONABLE CARRYING CAPACITY AND HISTORICAL USE OF THE AREA SERVICED BY THIS WATER SOURCE.

Source Name: SPRING, UNNAMED TRIBUTARY OF SWAMP CREEK

Source Type: GROUNDWATER

Point of Diversion and Means of Diversion:

| <u>ID</u> | <u>Govt Lot</u> | <u>Qtr Sec</u> | <u>Sec</u> | <u>Twp</u> | <u>Rge</u> | <u>County</u> |
|-----------|-----------------|----------------|------------|------------|------------|---------------|
| 1 | | NENSW | 26 | 3N | 12E | SWEET GRASS |

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: PIPELINE

THE MEANS OF DIVERSION INCLUDES STOCK TANKS.

Period of Use: JANUARY 1 TO DECEMBER 31

Place of Use:

| <u>ID</u> | <u>Acres</u> | <u>Govt Lot</u> | <u>Qtr Sec</u> | <u>Sec</u> | <u>Twp</u> | <u>Rge</u> | <u>County</u> |
|-----------|--------------|-----------------|----------------|------------|------------|------------|---------------|
| 1 | | | NENSW | 26 | 3N | 12E | SWEET GRASS |

POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
YELLOWSTONE RIVER, ABOVE & INCLUDING BRIDGER CREEK
BASIN 43B

Water Right Number: 43B 6992-00 STATEMENT OF CLAIM

Version: 3 -- POST DECREE

Status: ACTIVE

Owners: H W BURNS FAMILY LLC
PO BOX 1510
BIG TIMBER, MT 59011 1510

Priority Date: AUGUST 1, 1950

Type of Historical Right: FILED

Purpose (use): STOCK

Flow Rate: A SPECIFIC FLOW RATE HAS NOT BEEN DECREED BECAUSE THIS USE CONSISTS OF STOCK DRINKING DIRECTLY FROM THE SOURCE, OR FROM A DITCH SYSTEM. THE FLOW RATE IS LIMITED TO THE MINIMUM AMOUNT HISTORICALLY NECESSARY TO SUSTAIN THIS PURPOSE.

Volume: THIS RIGHT INCLUDES THE AMOUNT OF WATER CONSUMPTIVELY USED FOR STOCK WATERING PURPOSES AT THE RATE OF 30 GALLONS PER DAY PER ANIMAL UNIT. ANIMAL UNITS SHALL BE BASED ON REASONABLE CARRYING CAPACITY AND HISTORICAL USE OF THE AREA SERVICED BY THIS WATER SOURCE.

Source Name: SPRING, UNNAMED TRIBUTARY OF SOUTH FORK BIG TIMBER CREEK

Source Type: GROUNDWATER

Point of Diversion and Means of Diversion:

| <u>ID</u> | <u>Govt Lot</u> | <u>Qtr Sec</u> | <u>Sec</u> | <u>Twp</u> | <u>Rge</u> | <u>County</u> |
|-----------|-----------------|----------------|------------|------------|------------|---------------|
| 1 | | NESESE | 31 | 3N | 13E | SWEET GRASS |

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: LIVESTOCK DIRECT FROM SOURCE

Period of Use: JANUARY 1 TO DECEMBER 31

Place of Use:

| <u>ID</u> | <u>Acres</u> | <u>Govt Lot</u> | <u>Qtr Sec</u> | <u>Sec</u> | <u>Twp</u> | <u>Rge</u> | <u>County</u> |
|-----------|--------------|-----------------|----------------|------------|------------|------------|---------------|
| 1 | | | NESESE | 31 | 3N | 13E | SWEET GRASS |

POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
YELLOWSTONE RIVER, ABOVE & INCLUDING BRIDGER CREEK
BASIN 43B

Water Right Number: 43B 6993-00 STATEMENT OF CLAIM

Version: 3 -- POST DECREE

Status: ACTIVE

Owners: H W BURNS FAMILY LLC
PO BOX 1510
BIG TIMBER, MT 59011 1510

Priority Date: AUGUST 1, 1950

Type of Historical Right: FILED

Purpose (use): STOCK

Flow Rate: 15.00 GPM

Volume: THIS RIGHT INCLUDES THE AMOUNT OF WATER CONSUMPTIVELY USED FOR STOCK WATERING PURPOSES AT THE RATE OF 30 GALLONS PER DAY PER ANIMAL UNIT. ANIMAL UNITS SHALL BE BASED ON REASONABLE CARRYING CAPACITY AND HISTORICAL USE OF THE AREA SERVICED BY THIS WATER SOURCE.

Source Name: SPRING, UNNAMED TRIBUTARY OF LITTLE TIMBER CREEK

Source Type: GROUNDWATER

Point of Diversion and Means of Diversion:

| <u>ID</u> | <u>Govt Lot</u> | <u>Qtr Sec</u> | <u>Sec</u> | <u>Twp</u> | <u>Rge</u> | <u>County</u> |
|-----------|-----------------|----------------|------------|------------|------------|---------------|
| 1 | | SWNESE | 2 | 1N | 13E | SWEET GRASS |

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: LIVESTOCK DIRECT FROM SOURCE

| | | | | | | |
|---|--|--------|---|----|-----|-------------|
| 2 | | SWNESE | 2 | 1N | 13E | SWEET GRASS |
|---|--|--------|---|----|-----|-------------|

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: PIPELINE

THE MEANS OF DIVERSION INCLUDES STOCK TANKS.

Period of Use: JANUARY 1 TO DECEMBER 31

Place of Use:

| <u>ID</u> | <u>Acres</u> | <u>Govt Lot</u> | <u>Qtr Sec</u> | <u>Sec</u> | <u>Twp</u> | <u>Rge</u> | <u>County</u> |
|-----------|--------------|-----------------|----------------|------------|------------|------------|---------------|
| 1 | | | SWNESE | 2 | 1N | 13E | SWEET GRASS |

POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
YELLOWSTONE RIVER, ABOVE & INCLUDING BRIDGER CREEK
BASIN 43B

Water Right Number: 43B 6997-00 STATEMENT OF CLAIM

Version: 3 -- POST DECREE

Status: ACTIVE

Owners: H W BURNS FAMILY LLC
PO BOX 1510
BIG TIMBER, MT 59011 1510

Priority Date: AUGUST 1, 1950

Type of Historical Right: FILED

Purpose (use): STOCK

Flow Rate: 15.00 GPM

Volume: THIS RIGHT INCLUDES THE AMOUNT OF WATER CONSUMPTIVELY USED FOR STOCK WATERING PURPOSES AT THE RATE OF 30 GALLONS PER DAY PER ANIMAL UNIT. ANIMAL UNITS SHALL BE BASED ON REASONABLE CARRYING CAPACITY AND HISTORICAL USE OF THE AREA SERVICED BY THIS WATER SOURCE.

Source Name: SPRING, UNNAMED TRIBUTARY OF LITTLE TIMBER CREEK

Source Type: GROUNDWATER

Point of Diversion and Means of Diversion:

| <u>ID</u> | <u>Govt Lot</u> | <u>Qtr Sec</u> | <u>Sec</u> | <u>Twp</u> | <u>Rge</u> | <u>County</u> |
|-----------|-----------------|----------------|------------|------------|------------|---------------|
| 1 | | NENESE | 29 | 2N | 13E | SWEET GRASS |

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: PIPELINE

THE MEANS OF DIVERSION INCLUDES STOCK TANKS.

Period of Use: JANUARY 1 TO DECEMBER 31

Place of Use:

| <u>ID</u> | <u>Acres</u> | <u>Govt Lot</u> | <u>Qtr Sec</u> | <u>Sec</u> | <u>Twp</u> | <u>Rge</u> | <u>County</u> |
|-----------|--------------|-----------------|----------------|------------|------------|------------|---------------|
| 1 | | | NENESE | 29 | 2N | 13E | SWEET GRASS |

POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
YELLOWSTONE RIVER, ABOVE & INCLUDING BRIDGER CREEK
BASIN 43B

Water Right Number: 43B 6998-00 STATEMENT OF CLAIM

Version: 3 -- POST DECREE

Status: ACTIVE

Owners: H W BURNS FAMILY LLC
PO BOX 1510
BIG TIMBER, MT 59011 1510

Priority Date: AUGUST 1, 1950

Type of Historical Right: FILED

Purpose (use): STOCK

Flow Rate: 20.00 GPM

Volume: THIS RIGHT INCLUDES THE AMOUNT OF WATER CONSUMPTIVELY USED FOR STOCK WATERING PURPOSES AT THE RATE OF 30 GALLONS PER DAY PER ANIMAL UNIT. ANIMAL UNITS SHALL BE BASED ON REASONABLE CARRYING CAPACITY AND HISTORICAL USE OF THE AREA SERVICED BY THIS WATER SOURCE.

Source Name: SPRING, UNNAMED TRIBUTARY OF SWAMP CREEK

Source Type: GROUNDWATER

Point of Diversion and Means of Diversion:

| <u>ID</u> | <u>Govt Lot</u> | <u>Qtr Sec</u> | <u>Sec</u> | <u>Twp</u> | <u>Rge</u> | <u>County</u> |
|-----------|-----------------|----------------|------------|------------|------------|---------------|
| 1 | | SENE | 36 | 3N | 12E | SWEET GRASS |

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: LIVESTOCK DIRECT FROM SOURCE

| | | | | | | |
|---|--|------|----|----|-----|-------------|
| 2 | | SENE | 36 | 3N | 13E | SWEET GRASS |
|---|--|------|----|----|-----|-------------|

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: PIPELINE

THE MEANS OF DIVERSION INCLUDES STOCK TANKS.

Period of Use: JANUARY 1 TO DECEMBER 31

Place of Use:

| <u>ID</u> | <u>Acres</u> | <u>Govt Lot</u> | <u>Qtr Sec</u> | <u>Sec</u> | <u>Twp</u> | <u>Rge</u> | <u>County</u> |
|-----------|--------------|-----------------|----------------|------------|------------|------------|---------------|
| 1 | | | SENE | 36 | 3N | 12E | SWEET GRASS |
| 2 | | | SWSNW | 31 | 3N | 12E | SWEET GRASS |

POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
YELLOWSTONE RIVER, ABOVE & INCLUDING BRIDGER CREEK
BASIN 43B

Water Right Number: 43B 7001-00 STATEMENT OF CLAIM

Version: 3 -- POST DECREE

Status: ACTIVE

Owners: H W BURNS FAMILY LLC
PO BOX 1510
BIG TIMBER, MT 59011 1510

Priority Date: AUGUST 1, 1950

Type of Historical Right: FILED

Purpose (use): STOCK

Flow Rate: 25.00 GPM

Volume: THIS RIGHT INCLUDES THE AMOUNT OF WATER CONSUMPTIVELY USED FOR STOCK WATERING PURPOSES AT THE RATE OF 30 GALLONS PER DAY PER ANIMAL UNIT. ANIMAL UNITS SHALL BE BASED ON REASONABLE CARRYING CAPACITY AND HISTORICAL USE OF THE AREA SERVICED BY THIS WATER SOURCE.

Source Name: SPRING, UNNAMED TRIBUTARY OF WHITETAIL CREEK

Source Type: GROUNDWATER

Point of Diversion and Means of Diversion:

| <u>ID</u> | <u>Govt Lot</u> | <u>Qtr Sec</u> | <u>Sec</u> | <u>Twp</u> | <u>Rge</u> | <u>County</u> |
|-----------|-----------------|----------------|------------|------------|------------|---------------|
| 1 | | NESWNE | 35 | 2N | 13E | SWEET GRASS |

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: PIPELINE

THE MEANS OF DIVERSION INCLUDES STOCK TANKS.

Period of Use: JANUARY 1 TO DECEMBER 31

Place of Use:

| <u>ID</u> | <u>Acres</u> | <u>Govt Lot</u> | <u>Qtr Sec</u> | <u>Sec</u> | <u>Twp</u> | <u>Rge</u> | <u>County</u> |
|-----------|--------------|-----------------|----------------|------------|------------|------------|---------------|
| 1 | | | NESWNE | 35 | 2N | 13E | SWEET GRASS |

POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
YELLOWSTONE RIVER, ABOVE & INCLUDING BRIDGER CREEK
BASIN 43B

Water Right Number: 43B 7002-00 STATEMENT OF CLAIM

Version: 3 -- POST DECREE

Status: ACTIVE

Owners: H W BURNS FAMILY LLC
PO BOX 1510
BIG TIMBER, MT 59011 1510

Priority Date: MAY 10, 1918

Type of Historical Right: DECREED

Purpose (use): IRRIGATION

Irrigation Type: FLOOD

Flow Rate: 38.65 CFS

Volume: THE TOTAL VOLUME OF THIS WATER RIGHT SHALL NOT EXCEED THE AMOUNT PUT TO HISTORICAL AND BENEFICIAL USE.

Climatic Area: 4 - MODERATELY LOW

Maximum Acres: 1,524.00

Source Name: SWAMP CREEK

Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

| <u>ID</u> | <u>Govt Lot</u> | <u>Qtr Sec</u> | <u>Sec</u> | <u>Twp</u> | <u>Rge</u> | <u>County</u> |
|-----------------------------|-----------------------|----------------|------------|------------|------------|---------------|
| 1 | | SWSWNE | 35 | 3N | 12E | SWEET GRASS |
| Period of Diversion: | APRIL 1 TO NOVEMBER 1 | | | | | |
| Diversion Means: | HEADGATE | | | | | |
| Ditch Name: | BURNS DITCH | | | | | |
| 2 | | SESWNE | 35 | 3N | 12E | SWEET GRASS |
| Period of Diversion: | APRIL 1 TO NOVEMBER 1 | | | | | |
| Diversion Means: | HEADGATE | | | | | |
| Ditch Name: | BURNS DITCH | | | | | |
| 3 | | NWNWSW | 36 | 3N | 12E | SWEET GRASS |
| Period of Diversion: | APRIL 1 TO NOVEMBER 1 | | | | | |
| Diversion Means: | HEADGATE | | | | | |
| Ditch Name: | ARNESON DITCH | | | | | |
| 4 | | SESWNW | 35 | 3N | 12E | SWEET GRASS |
| Period of Diversion: | APRIL 1 TO NOVEMBER 1 | | | | | |
| Diversion Means: | HEADGATE | | | | | |
| Ditch Name: | BURNS DITCH | | | | | |
| 5 | | SEWNNE | 35 | 3N | 12E | SWEET GRASS |
| Period of Diversion: | APRIL 1 TO NOVEMBER 1 | | | | | |

| | | | | | | |
|-----------------------------|--|----|----|-----|-------------|--|
| Diversion Means: | HEADGATE | | | | | |
| Ditch Name: | BURNS DITCH | | | | | |
| 6 | SESESE | 36 | 3N | 12E | SWEET GRASS | |
| Period of Diversion: | APRIL 1 TO NOVEMBER 1 | | | | | |
| Diversion Means: | HEADGATE | | | | | |
| Ditch Name: | JOHNSON DITCH | | | | | |
| 7 | NWNWNW | 6 | 2N | 13E | SWEET GRASS | |
| Period of Diversion: | APRIL 1 TO NOVEMBER 1 | | | | | |
| Diversion Means: | HEADGATE | | | | | |
| Ditch Name: | JOHNSON DITCH | | | | | |
| 8 | NENENE | 25 | 2N | 13E | SWEET GRASS | |
| Period of Diversion: | APRIL 1 TO NOVEMBER 1 | | | | | |
| Diversion Means: | HEADGATE | | | | | |
| Ditch Name: | ARNESON (BURNS) DITCH (UPPER BULL PASTURE DITCH) | | | | | |
| 9 | SENWNW | 30 | 2N | 14E | SWEET GRASS | |
| Period of Diversion: | APRIL 1 TO NOVEMBER 1 | | | | | |
| Diversion Means: | HEADGATE | | | | | |
| Ditch Name: | BURNS DITCH (LOWER MEADOW DITCH) | | | | | |
| 10 | SWNENW | 30 | 2N | 14E | SWEET GRASS | |
| Period of Diversion: | APRIL 1 TO NOVEMBER 1 | | | | | |
| Diversion Means: | HEADGATE | | | | | |
| Ditch Name: | BURNS DITCH (LOWER ARNESON/BULL PASTURE DITCH) | | | | | |
| 11 | NWNWNE | 25 | 2N | 13E | SWEET GRASS | |
| Period of Diversion: | APRIL 1 TO NOVEMBER 1 | | | | | |
| Diversion Means: | HEADGATE | | | | | |
| Ditch Name: | BURNS DITCH (UPPER MEADOW DITCH) | | | | | |
| 12 | NENENE | 25 | 2N | 13E | SWEET GRASS | |
| Period of Diversion: | APRIL 1 TO NOVEMBER 1 | | | | | |
| Diversion Means: | HEADGATE | | | | | |
| Ditch Name: | ARNESON (BURNS) DITCH (MIDDLE MEADOW DITCH) | | | | | |
| 13 | SESENE | 30 | 2N | 14E | SWEET GRASS | |
| Period of Diversion: | APRIL 1 TO NOVEMBER 1 | | | | | |
| Diversion Means: | HEADGATE | | | | | |
| Ditch Name: | BURNS DITCH (UPPER HULTS DITCH) | | | | | |
| 14 | NESWNE | 30 | 2N | 14E | SWEET GRASS | |
| Period of Diversion: | APRIL 1 TO NOVEMBER 1 | | | | | |
| Diversion Means: | HEADGATE | | | | | |
| Ditch Name: | BURNS DITCH (LAKE DITCH) | | | | | |
| 15 | SESENW | 29 | 2N | 14E | SWEET GRASS | |
| Period of Diversion: | APRIL 1 TO NOVEMBER 1 | | | | | |
| Diversion Means: | HEADGATE | | | | | |

Ditch Name: BURNS DITCH (LOWER HULTS DITCH)
Period of Use: APRIL 1 TO NOVEMBER 1
Place of Use:

| <u>ID</u> | <u>Acres</u> | <u>Govt Lot</u> | <u>Qtr Sec</u> | <u>Sec</u> | <u>Twp</u> | <u>Rge</u> | <u>County</u> |
|---------------|--------------|-----------------|----------------|------------|------------|------------|---------------|
| 1 | 20.00 | | E2NE | 35 | 3N | 12E | SWEET GRASS |
| 2 | 13.00 | | SW | 36 | 3N | 12E | SWEET GRASS |
| 3 | 20.00 | | SW | 31 | 3N | 13E | SWEET GRASS |
| 4 | 80.00 | | NW | 6 | 2N | 13E | SWEET GRASS |
| 5 | 111.00 | | SE | 36 | 3N | 12E | SWEET GRASS |
| 6 | 14.00 | | NE | 36 | 3N | 12E | SWEET GRASS |
| 7 | 55.00 | | NE | 6 | 2N | 13E | SWEET GRASS |
| 8 | 30.00 | | SE | 6 | 2N | 13E | SWEET GRASS |
| 9 | 60.00 | | NW | 35 | 3N | 12E | SWEET GRASS |
| 10 | 33.00 | | SE | 35 | 3N | 12E | SWEET GRASS |
| 11 | 50.00 | | NE | 31 | 2N | 14E | SWEET GRASS |
| 12 | 185.00 | | S2 | 19 | 2N | 14E | SWEET GRASS |
| 13 | 28.00 | | S2SW | 20 | 2N | 14E | SWEET GRASS |
| 14 | 130.00 | | NW | 29 | 2N | 14E | SWEET GRASS |
| 15 | 120.00 | | NW | 30 | 2N | 14E | SWEET GRASS |
| 16 | 130.00 | | SW | 29 | 2N | 14E | SWEET GRASS |
| 17 | 120.00 | | NE | 29 | 2N | 14E | SWEET GRASS |
| 18 | 85.00 | | SE | 29 | 2N | 14E | SWEET GRASS |
| 19 | 40.00 | | SW | 30 | 2N | 14E | SWEET GRASS |
| 20 | 120.00 | | NE | 30 | 2N | 14E | SWEET GRASS |
| 21 | 80.00 | | SE | 30 | 2N | 14E | SWEET GRASS |
| Total: | | 1524.00 | | | | | |

POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
YELLOWSTONE RIVER, ABOVE & INCLUDING BRIDGER CREEK
BASIN 43B

Water Right Number: 43B 7016-00 STATEMENT OF CLAIM

Version: 3 -- POST DECREE

Status: ACTIVE

Owners: H W BURNS FAMILY LLC
PO BOX 1510
BIG TIMBER, MT 59011 1510

Priority Date: DECEMBER 31, 1892

Type of Historical Right: DECREED

Purpose (use): IRRIGATION

Irrigation Type: FLOOD

Flow Rate: 5.00 CFS

Volume: 93.00 AC-FT

Climatic Area: 2 - MODERATELY HIGH

Maximum Acres: 143.00

Source Name: SWAMP CREEK

Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

| <u>ID</u> | <u>Govt Lot</u> | <u>Qtr Sec</u> | <u>Sec</u> | <u>Twp</u> | <u>Rge</u> | <u>County</u> |
|-----------|-----------------|----------------|------------|------------|------------|---------------|
| 1 | | NESWNE | 30 | 2N | 14E | SWEET GRASS |

***Period of Diversion:** JANUARY 1 TO DECEMBER 31

Diversion Means: HEADGATE

Ditch Name: BURNS DITCH

Reservoir: OFFSTREAM **Reservoir Name:** BURNS RESERVOIR

| <u>Govt Lot</u> | <u>Qtr Sec</u> | <u>Sec</u> | <u>Twp</u> | <u>Rge</u> | <u>County</u> |
|-----------------|----------------|------------|------------|------------|---------------|
| | E2E2SE | 30 | 2N | 14E | SWEET GRASS |

Diversion to Reservoir: DIVERSION # 1

Dam Height: 13.00 FEET

Depth: 10.00 FEET

Surface Area: 26.00 ACRES

Capacity: 104.00 ACRE-FEET

***Period of Use:** JANUARY 1 TO DECEMBER 31

Place of Use:

| <u>ID</u> | <u>Acres</u> | <u>Govt Lot</u> | <u>Qtr Sec</u> | <u>Sec</u> | <u>Twp</u> | <u>Rge</u> | <u>County</u> |
|-----------|--------------|-----------------|----------------|------------|------------|------------|---------------|
| 1 | 21.00 | | S2S2NW | 29 | 2N | 14E | SWEET GRASS |
| 2 | 62.00 | | SE | 29 | 2N | 14E | SWEET GRASS |
| 3 | 35.00 | | SW | 29 | 2N | 14E | SWEET GRASS |

| | | | | | | |
|---------------|--------|--------|----|----|-----|-------------|
| 4 | 25.00 | S2S2NE | 29 | 2N | 14E | SWEET GRASS |
| Total: | 143.00 | | | | | |

Remarks:

CLAIM NO. 43B 7016-00 IS A 26.00 ACRE STORAGE LAKE OR RESERVOIR LOCATED ON THE EAST HALF OF SECTION 30 TOWNSHIP 02 NORTH RANGE 14 EAST IN SWEET GRASS COUNTY AND STORES SURFACE WATER FROM SWAMP CREEK DURING WINTER AND EARLY MONTHS OF THE YEAR AND IS SUBJECT TO THE PROVISION SET FORTH IN FINDING OF FACT NO. X IN CAUSE NO. 3055 FILED IN SWEET GRASS COUNTY DISTRICT COURT ENTITLED BIG TIMBER CREEK CANAL COMPANY ET AL, DATED JUNE 1, 1976, WHICH READS AS FOLLOWS: THAT ROBERT BURNS, ONE OF THE ANSWERING DEFENDANTS, OWNS AND MAINTAINS A 26.00 ACRE STORAGE LAKE UPON HIS LAND SITUATE IN THE EAST HALF OF SECTION 30, TOWNSHIP 02 NORTH, RANGE 14 EAST , M.P.M. WHEREIN 93.00 ACRE FEET OF SURPLUS WATERS HAVE BEEN CONTINUOUSLY STORED IN THE WINTER AND EARLY MONTHS OF EACH YEAR SINCE 1892; THAT ROBERT BURNS AND HIS PREDECESSORS HAVE STORED NO SURPLUS WATERS AND HAVE NO RIGHT TO DIVERT OR STORE SURPLUS WATERS THEREIN DURING THOSE TIMES OF YEAR WHEN ANY OF THE HEREINABOVE DECREED USERS (AND DECREED PRIOR HERETO) HAVE USE FOR SUCH SURPLUS IRRIGATION WATERS OF BIG TIMBER CREEK AND ITS TRIBUTARIES.

POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
YELLOWSTONE RIVER, ABOVE & INCLUDING BRIDGER CREEK
BASIN 43B

Water Right Number: 43B 7019-00 STATEMENT OF CLAIM
Version: 5 -- POST DECREE
Status: ACTIVE

Owners: H W BURNS FAMILY LLC
PO BOX 1510
BIG TIMBER, MT 59011 1510

Priority Date: JUNE 1, 1891

Type of Historical Right: DECREED

Purpose (use): IRRIGATION

Irrigation Type: FLOOD

Flow Rate: 1.50 CFS

***Volume:** THE TOTAL VOLUME OF THIS WATER RIGHT SHALL NOT EXCEED THE AMOUNT PUT TO HISTORICAL AND BENEFICIAL USE.

Climatic Area: 2 - MODERATELY HIGH

Maximum Acres: 1,088.00

***Source Name:** SWAMP CREEK

Source Type: SURFACE WATER

***Point of Diversion and Means of Diversion:**

| <u>ID</u> | <u>Govt Lot</u> | <u>Qtr</u> | <u>Sec</u> | <u>Twp</u> | <u>Rge</u> | <u>County</u> |
|---|-----------------|------------|------------|------------|------------|---------------|
| 1 | | NENENE | 25 | 2N | 13E | SWEET GRASS |
| Period of Diversion: JANUARY 1 TO DECEMBER 31 | | | | | | |
| Diversion Means: HEADGATE | | | | | | |
| Ditch Name: ARNESON BURNS (UPPER BULL PASTURE) DITCH | | | | | | |
| 2 | | NWNWNE | 25 | 2N | 13E | SWEET GRASS |
| Period of Diversion: JANUARY 1 TO DECEMBER 31 | | | | | | |
| Diversion Means: HEADGATE | | | | | | |
| Ditch Name: BURNS (UPPER MEADOW) DITCH | | | | | | |
| 3 | | NENENE | 25 | 2N | 13E | SWEET GRASS |
| Period of Diversion: JANUARY 1 TO DECEMBER 31 | | | | | | |
| Diversion Means: HEADGATE | | | | | | |
| Ditch Name: ARNESON (BURNS MIDDLE MEADOW) DITCH | | | | | | |
| 4 | | SESENE | 30 | 2N | 14E | SWEET GRASS |
| Period of Diversion: JANUARY 1 TO DECEMBER 31 | | | | | | |
| Diversion Means: HEADGATE | | | | | | |
| Ditch Name: BURNS (UPPER HULTS) DITCH | | | | | | |
| 5 | | SESENW | 29 | 2N | 14E | SWEET GRASS |
| Period of Diversion: JANUARY 1 TO DECEMBER 31 | | | | | | |

Diversion Means: HEADGATE
Ditch Name: BURNS (LOWER HULTS) DITCH
6 NESWNE 30 2N 14E SWEET GRASS
Period of Diversion: JANUARY 1 TO DECEMBER 31
Diversion Means: HEADGATE
Ditch Name: BURNS (LAKE) DITCH
7 SWNENW 30 2N 14E SWEET GRASS
Period of Diversion: JANUARY 1 TO DECEMBER 31
Diversion Means: HEADGATE
Ditch Name: BURNS (LOWER ARNESON/BULL PASTURE) DITCH
8 SENWNW 30 2N 14E SWEET GRASS
Period of Diversion: JANUARY 1 TO DECEMBER 31
Diversion Means: HEADGATE
Ditch Name: BURNS (LOWER MEADOW) DITCH
Period of Use: JANUARY 1 TO DECEMBER 31

Place of Use:

| <u>ID</u> | <u>Acres</u> | <u>Govt Lot</u> | <u>Qtr</u> | <u>Sec</u> | <u>Twp</u> | <u>Rge</u> | <u>County</u> |
|---------------|----------------|-----------------|------------|------------|------------|------------|---------------|
| 1 | 50.00 | | NE | 31 | 2N | 14E | SWEET GRASS |
| 2 | 185.00 | | S2 | 19 | 2N | 14E | SWEET GRASS |
| 3 | 28.00 | | S2SW | 20 | 2N | 14E | SWEET GRASS |
| 4 | 130.00 | | NW | 29 | 2N | 14E | SWEET GRASS |
| 5 | 120.00 | | NW | 30 | 2N | 14E | SWEET GRASS |
| 6 | 130.00 | | SW | 29 | 2N | 14E | SWEET GRASS |
| 7 | 120.00 | | NE | 29 | 2N | 14E | SWEET GRASS |
| 8 | 85.00 | | SE | 29 | 2N | 14E | SWEET GRASS |
| 9 | 40.00 | | SW | 30 | 2N | 14E | SWEET GRASS |
| 10 | 120.00 | | NE | 30 | 2N | 14E | SWEET GRASS |
| 11 | 80.00 | | SE | 30 | 2N | 14E | SWEET GRASS |
| Total: | <u>1088.00</u> | | | | | | |

Remarks:

THIS CLAIM IS SUBJECT TO A PRIVATE AGREEMENT ENTERED OCTOBER 2, 2008. SEE WATER COURT CASE FILE 43B-A2.

POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
YELLOWSTONE RIVER, ABOVE & INCLUDING BRIDGER CREEK
BASIN 43B

Water Right Number: 43B 7020-00 STATEMENT OF CLAIM
Version: 4 -- POST DECREE
Status: ACTIVE

Owners: H W BURNS FAMILY LLC
PO BOX 1510
BIG TIMBER, MT 59011 1510

Priority Date: APRIL 1, 1880

Type of Historical Right: DECREED

Purpose (use): IRRIGATION

Irrigation Type: FLOOD

Flow Rate: 11.65 CFS

***Volume:** THE TOTAL VOLUME OF THIS WATER RIGHT SHALL NOT EXCEED THE AMOUNT PUT TO HISTORICAL AND BENEFICIAL USE.

Climatic Area: 2 - MODERATELY HIGH

Maximum Acres: 1,088.00

***Source Name:** SWAMP CREEK

Source Type: SURFACE WATER

***Point of Diversion and Means of Diversion:**

| <u>ID</u> | <u>Govt Lot</u> | <u>Qtr</u> | <u>Sec</u> | <u>Twp</u> | <u>Rge</u> | <u>County</u> |
|---|-----------------|------------|------------|------------|------------|---------------|
| 1 | | NENENE | 25 | 2N | 13E | SWEET GRASS |
| Period of Diversion: JANUARY 1 TO DECEMBER 31 | | | | | | |
| Diversion Means: HEADGATE | | | | | | |
| Ditch Name: ARNESON (BURNS UPPER BULL PASTURE) DITCH | | | | | | |
| 2 | | SENWNW | 30 | 2N | 14E | SWEET GRASS |
| Period of Diversion: JANUARY 1 TO DECEMBER 31 | | | | | | |
| Diversion Means: HEADGATE | | | | | | |
| Ditch Name: BURNS (LOWER MEADOW) DITCH | | | | | | |
| 3 | | SWNENW | 30 | 2N | 14E | SWEET GRASS |
| Period of Diversion: JANUARY 1 TO DECEMBER 31 | | | | | | |
| Diversion Means: HEADGATE | | | | | | |
| Ditch Name: BURNS (LOWER ARNESON/BULL PASTURE) DITCH | | | | | | |
| 4 | | NWNWNE | 25 | 2N | 13E | SWEET GRASS |
| Period of Diversion: JANUARY 1 TO DECEMBER 31 | | | | | | |
| Diversion Means: HEADGATE | | | | | | |
| Ditch Name: BURNS (UPPER MEADOW) DITCH | | | | | | |
| 5 | | NENENE | 25 | 2N | 13E | SWEET GRASS |
| Period of Diversion: JANUARY 1 TO DECEMBER 31 | | | | | | |

Diversion Means: HEADGATE
Ditch Name: ARNESON (BURNS MIDDLE MEADOW) DITCH
6 SESENE 30 2N 14E SWEET GRASS
Period of Diversion: JANUARY 1 TO DECEMBER 31
Diversion Means: HEADGATE
Ditch Name: BURNS (UPPER HULTS) DITCH
7 NESWNE 30 2N 14E SWEET GRASS
Period of Diversion: JANUARY 1 TO DECEMBER 31
Diversion Means: HEADGATE
Ditch Name: BURNS (LAKE) DITCH
8 SESENW 29 2N 14E SWEET GRASS
Period of Diversion: JANUARY 1 TO DECEMBER 31
Diversion Means: HEADGATE
Ditch Name: BURNS (LOWER HULTS) DITCH
Period of Use: JANUARY 1 TO DECEMBER 31

Place of Use:

| <u>ID</u> | <u>Acres</u> | <u>Govt Lot</u> | <u>Qtr</u> | <u>Sec</u> | <u>Twp</u> | <u>Rge</u> | <u>County</u> |
|---------------|----------------|-----------------|------------|------------|------------|------------|---------------|
| 1 | 50.00 | | NE | 31 | 2N | 14E | SWEET GRASS |
| 2 | 185.00 | | S2 | 19 | 2N | 14E | SWEET GRASS |
| 3 | 28.00 | | S2SW | 20 | 2N | 14E | SWEET GRASS |
| 4 | 130.00 | | NW | 29 | 2N | 14E | SWEET GRASS |
| 5 | 120.00 | | NW | 30 | 2N | 14E | SWEET GRASS |
| 6 | 130.00 | | SW | 29 | 2N | 14E | SWEET GRASS |
| 7 | 120.00 | | NE | 29 | 2N | 14E | SWEET GRASS |
| 8 | 85.00 | | SE | 29 | 2N | 14E | SWEET GRASS |
| 9 | 40.00 | | SW | 30 | 2N | 14E | SWEET GRASS |
| 10 | 120.00 | | NE | 30 | 2N | 14E | SWEET GRASS |
| 11 | 80.00 | | SE | 30 | 2N | 14E | SWEET GRASS |
| Total: | 1088.00 | | | | | | |

Remarks:

AUTHORIZATION TO CHANGE THE POINT OF DIVERSION COMPLETED 02/24/1988. FILE REFLECTS RIGHT AS IT EXISTED PRIOR TO JULY, 1973. APPROVED CHANGES WILL BE RECORDED AFTER FINAL DECREE.

THIS CLAIM IS SUBJECT TO A PRIVATE AGREEMENT ENTERED OCTOBER 2, 2008. SEE WATER COURT CASE FILE 43B-A2.

POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
YELLOWSTONE RIVER, ABOVE & INCLUDING BRIDGER CREEK
BASIN 43B

Water Right Number: 43B 7021-00 STATEMENT OF CLAIM
Version: 4 -- POST DECREE
Status: ACTIVE

Owners: H W BURNS FAMILY LLC
PO BOX 1510
BIG TIMBER, MT 59011 1510

Priority Date: JULY 1, 1893

Type of Historical Right: DECREED

Purpose (use): IRRIGATION
Irrigation Type: FLOOD

Flow Rate: 1.00 CFS

Volume: THE TOTAL VOLUME OF THIS WATER RIGHT SHALL NOT EXCEED THE AMOUNT PUT TO HISTORICAL AND BENEFICIAL USE.

Climatic Area: 2 - MODERATELY HIGH

Maximum Acres: 1,088.00

***Source Name:** SWAMP CREEK
Source Type: SURFACE WATER

***Point of Diversion and Means of Diversion:**

| <u>ID</u> | <u>Govt Lot</u> | <u>Qtr</u> | <u>Sec</u> | <u>Twp</u> | <u>Rge</u> | <u>County</u> |
|---|-----------------|------------|------------|------------|------------|---------------|
| 1 | | NENENE | 25 | 2N | 13E | SWEET GRASS |
| Period of Diversion: JANUARY 1 TO DECEMBER 31 | | | | | | |
| Diversion Means: HEADGATE | | | | | | |
| Ditch Name: ARNESON (BURNS UPPER BULL PASTURE) DITCH | | | | | | |
| 2 | | SENWNW | 30 | 2N | 14E | SWEET GRASS |
| Period of Diversion: JANUARY 1 TO DECEMBER 31 | | | | | | |
| Diversion Means: HEADGATE | | | | | | |
| Ditch Name: BURNS (LOWER MEADOW) DITCH | | | | | | |
| 3 | | SWNENW | 30 | 2N | 14E | SWEET GRASS |
| Period of Diversion: JANUARY 1 TO DECEMBER 31 | | | | | | |
| Diversion Means: HEADGATE | | | | | | |
| Ditch Name: BURNS (LOWER ARNESON/BULL PASTURE) DITCH | | | | | | |
| 4 | | NWNWNE | 25 | 2N | 13E | SWEET GRASS |
| Period of Diversion: JANUARY 1 TO DECEMBER 31 | | | | | | |
| Diversion Means: HEADGATE | | | | | | |
| Ditch Name: BURNS (UPPER MEADOW) DITCH | | | | | | |
| 5 | | NENENE | 25 | 2N | 13E | SWEET GRASS |
| Period of Diversion: JANUARY 1 TO DECEMBER 31 | | | | | | |

Diversion Means: HEADGATE

Ditch Name: ARNESON (BURNS MIDDLE MEADOW) DITCH

6 SESENE 30 2N 14E SWEET GRASS

***Period of Diversion:** JANUARY 1 TO DECEMBER 31

Diversion Means: HEADGATE

Ditch Name: BURNS (UPPER HULTS) DITCH

7 NESWNE 30 2N 14E SWEET GRASS

***Period of Diversion:** JANUARY 1 TO DECEMBER 31

Diversion Means: HEADGATE

Ditch Name: BURNS (LAKE) DITCH

8 SESENW 29 2N 14E SWEET GRASS

***Period of Diversion:** JANUARY 1 TO DECEMBER 31

Diversion Means: HEADGATE

Ditch Name: BURNS (LOWER HULTS) DITCH

Period of Use: JANUARY 1 TO DECEMBER 31

Place of Use:

| <u>ID</u> | <u>Acres</u> | <u>Govt Lot</u> | <u>Qtr</u> | <u>Sec</u> | <u>Twp</u> | <u>Rge</u> | <u>County</u> |
|---------------|----------------|-----------------|------------|------------|------------|------------|---------------|
| 1 | 50.00 | | NE | 31 | 2N | 14E | SWEET GRASS |
| 2 | 185.00 | | S2 | 19 | 2N | 14E | SWEET GRASS |
| 3 | 28.00 | | NW | 20 | 2N | 14E | SWEET GRASS |
| 4 | 130.00 | | NW | 29 | 2N | 14E | SWEET GRASS |
| 5 | 120.00 | | | 30 | 2N | 14E | SWEET GRASS |
| 6 | 130.00 | | SW | 29 | 2N | 14E | SWEET GRASS |
| 7 | 120.00 | | NE | 29 | 2N | 14E | SWEET GRASS |
| 8 | 85.00 | | SE | 29 | 2N | 14E | SWEET GRASS |
| 9 | 40.00 | | SW | 30 | 2N | 14E | SWEET GRASS |
| 10 | 120.00 | | NE | 30 | 2N | 14E | SWEET GRASS |
| 11 | 80.00 | | SE | 30 | 2N | 14E | SWEET GRASS |
| Total: | <u>1088.00</u> | | | | | | |

Remarks:

THIS CLAIM IS SUBJECT TO A PRIVATE AGREEMENT ENTERED OCTOBER 2, 2008. SEE WATER COURT CASE FILE 43B-A2.

POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
YELLOWSTONE RIVER, ABOVE & INCLUDING BRIDGER CREEK
BASIN 43B

Water Right Number: 43B 7025-00 STATEMENT OF CLAIM
Version: 4 -- POST DECREE
Status: ACTIVE

Owners: H W BURNS FAMILY LLC
PO BOX 1510
BIG TIMBER, MT 59011 1510

Priority Date: SEPTEMBER 14, 1889

Type of Historical Right: DECREED

Purpose (use): IRRIGATION
Irrigation Type: FLOOD

Flow Rate: 2.50 CFS

Volume: THE TOTAL VOLUME OF THIS WATER RIGHT SHALL NOT EXCEED THE AMOUNT PUT TO HISTORICAL AND BENEFICIAL USE.

Climatic Area: 2 - MODERATELY HIGH

Maximum Acres: 1,088.00

***Source Name:** SWAMP CREEK
Source Type: SURFACE WATER

***Point of Diversion and Means of Diversion:**

| <u>ID</u> | <u>Govt Lot</u> | <u>Qtr</u> | <u>Sec</u> | <u>Twp</u> | <u>Rge</u> | <u>County</u> |
|---|-----------------|------------|------------|------------|------------|---------------|
| 1 | | NENENE | 25 | 2N | 13E | SWEET GRASS |
| Period of Diversion: JANUARY 1 TO DECEMBER 31 | | | | | | |
| Diversion Means: HEADGATE | | | | | | |
| Ditch Name: ARNESON (BURNS UPPER BULL PASTURE) DITCH | | | | | | |
| 2 | | SENWNW | 30 | 2N | 14E | SWEET GRASS |
| Period of Diversion: JANUARY 1 TO DECEMBER 31 | | | | | | |
| Diversion Means: HEADGATE | | | | | | |
| Ditch Name: BURNS (LOWER MEADOW) DITCH | | | | | | |
| 3 | | SWNENW | 30 | 2N | 14E | SWEET GRASS |
| Period of Diversion: JANUARY 1 TO DECEMBER 31 | | | | | | |
| Diversion Means: HEADGATE | | | | | | |
| Ditch Name: BURNS (LOWER ARNESON/BULL PASTURE) DITCH | | | | | | |
| 4 | | NWNWNE | 25 | 2N | 13E | SWEET GRASS |
| Period of Diversion: JANUARY 1 TO DECEMBER 31 | | | | | | |
| Diversion Means: HEADGATE | | | | | | |
| Ditch Name: BURNS (UPPER MEADOW) DITCH | | | | | | |
| 5 | | NENENE | 25 | 2N | 13E | SWEET GRASS |
| Period of Diversion: JANUARY 1 TO DECEMBER 31 | | | | | | |

Diversion Means: HEADGATE

Ditch Name: ARNESON (BURNS MIDDLE MEADOW) DITCH

6 SESENE 30 2N 14E SWEET GRASS

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: HEADGATE

Ditch Name: BURNS (UPPER HULTS) DITCH

7 NESWNE 30 2N 14E SWEET GRASS

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: HEADGATE

Ditch Name: BURNS (LAKE) DITCH

8 SESENW 29 2N 14E SWEET GRASS

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: HEADGATE

Ditch Name: BURNS (LOWER HULTS) DITCH

Period of Use: JANUARY 1 TO DECEMBER 31

Place of Use:

| <u>ID</u> | <u>Acres</u> | <u>Govt Lot</u> | <u>Qtr Sec</u> | <u>Sec</u> | <u>Twp</u> | <u>Rge</u> | <u>County</u> |
|---------------|----------------|-----------------|----------------|------------|------------|------------|---------------|
| 1 | 185.00 | | S2 | 19 | 2N | 14E | SWEET GRASS |
| 2 | 28.00 | | S2SW | 20 | 2N | 14E | SWEET GRASS |
| 3 | 120.00 | | NW | 30 | 2N | 14E | SWEET GRASS |
| 4 | 50.00 | | NE | 31 | 2N | 14E | SWEET GRASS |
| 5 | 130.00 | | NW | 29 | 2N | 14E | SWEET GRASS |
| 6 | 130.00 | | SW | 29 | 2N | 14E | SWEET GRASS |
| 7 | 120.00 | | NE | 29 | 2N | 14E | SWEET GRASS |
| 8 | 85.00 | | SE | 29 | 2N | 14E | SWEET GRASS |
| 9 | 40.00 | | SW | 30 | 2N | 14E | SWEET GRASS |
| 10 | 120.00 | | NE | 30 | 2N | 14E | SWEET GRASS |
| 11 | 80.00 | | SE | 30 | 2N | 14E | SWEET GRASS |
| Total: | <u>1088.00</u> | | | | | | |

Remarks:

THIS CLAIM IS SUBJECT TO A PRIVATE AGREEMENT ENTERED OCTOBER 2, 2008. SEE WATER COURT CASE FILE 43B-A2.